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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,290

10/19/2001

Gregory A. Hyatt

5203-65

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07/07/2006

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EXAMINER

RACHUBA, MAURINA T

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/038,290	Applicant(s) HYATT, GREGORY A.	
	Examiner M Rachuba	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 26 27 2934- is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 10, 11 and 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 6-9 12 20-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 2-5, 10, 11, and 13-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7-9, 12, 21-24, 26, 29 and 30 are finally rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harrington 2,722,792.

4. Claims 1, 6, 9, 12, 21-24, 26, 29, 30 and 34 are finally rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hatamoto et al, JP 11235670.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 32 and 33 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington '792 or JP '670. Both '792 and JP '670 disclose that the tool is abrasive. The examiner takes Official notice that the selection of abrasive material depends on the material being abraded or machined, and use of superabrasive, such as cubic boron nitride (CBN), diamond or polycrystalline products to machine hard materials is old and well known in the abrasive tool art. One of ordinary skill would have considered it obvious to have provided '933 with a superabrasive, dependent on the type of material to be machined.

7. Claims 20, 27, and 31 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington '792 or JP '670 in view of Wohlmuth, 4,438,598. Neither '792 nor JP '670 disclose the fluid delivery system adapted to compensate for changes in material characteristics of the tool to assist in maintaining proper dispersal of fluid at a machining zone. '598, figure 1, teaches providing a delivery system which is adapted to compensate for changes in temperature of the tool to maintain proper dispersal of fluid at the machining zone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided '993 with the control system of '598, to ensure that hardness, wear-life, appearance and contour of the workpiece and/or tool are not impaired by improperly controlled temperatures.

Response to Arguments

8. Applicant's arguments filed 26 April 2006 have been fully considered but they are not persuasive. Applicant argues that neither '792 nor '670 a contact location that has a predetermined radial distance angle "a" from the machining zone. The examiner

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strongly disagrees. '792, figure 2, discloses a contact location that has a predetermined radial distance angle of between 0° and 360° . Applicant has defined the contact location as the location where the fluid contacts the tool inboard from the outer peripheral surface of the tool. Figures 1 and 2 of '792 show that the contact location is at a number of radial distance angles around the hub of the tool. Therefore, any one of the angles can be considered a predetermined angle, especially as the angles are designed and located before manufacture of the wheel. '670, similar to '792, can be interpreted in the same manner. For example, figures 4, 5 and 6, show a contact location that is at a one of a predetermined radial distance angle from the machining zone of between 0° and 360° . It is noted that applicant has disclosed no particular criticality to the size of the angle, see for example the pending application, page 11. Applicant's argument that '792 merely drips coolant into the channels is not completely understood-how does the rate of dispersion determine the contact location as defined by applicant? It would appear that the rate of fluid flow has no bearing on the location of contact. Applicant further argues that '670, in "randomly placing" fluid in the center portion of the wheel does not provide a contact location as claimed. Again the examiner respectfully disagrees. The contact location is that location where the fluid first contacts the inner surface of the wheel. That it is further dispersed after contact is moot, the contact location is at a predetermined radial distance angle from the machining zone.

9. Applicant's arguments concerning the rejection of claims 20, 27 and 31-33 are noted. Applicant has not specifically argued the merits of the rejection under 35 USC

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103 except to note that '792 and '670 do not teach the claimed invention as now amended.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

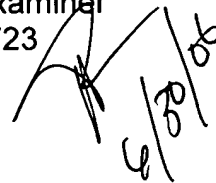
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Rachuba whose telephone number is 571-272-4493. The examiner can normally be reached on Monday-Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M Rachuba
Primary Examiner
Art Unit 3723

Handwritten signature and date 6/30/06.